



State of Idaho

DEPARTMENT OF WATER RESOURCES

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May 12, 1998

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MAY 14 1998
WATER RIGHTS
SALT LAKE

Robert L. Morgan, PE
State of Utah
Department of Natural Resources
Division of Water Rights
Box 146300
Salt Lake City, UT 84114-6300

RE: Clear Creek Regulation

Dear Bob:

Your letter of May 5th, 1998, to Dave Sundberg and the events of the previous weekend that prompted your letter demonstrate that both the commissioner in Utah and the watermaster in Idaho need further guidance from our agencies. They need further guidance to communicate and act in a more structured and timely manner to turn the water according to the 1937 Judge Johnson Decree. With such direction, the recent situation may be prevented from reoccurring.

I propose that our agencies jointly adopt a written protocol for the commissioner and watermaster to follow. A first cut at a protocol follows:

- At the request of either the commissioner or the watermaster, two daily meetings shall commence to be held to determine the daily average flow of Clear Creek &/or volumes delivered for use in turning the waters of Clear Creek between Utah and Idaho according to the 1937 Johnson Decree.
- Once called the commissioner and the watermaster shall meet daily at 7:00 am and 7:00 pm at the gage in Utah to determine the daily average flow of Clear Creek.
- Said meetings shall continue daily unless both the commissioner and the watermaster agree the meeting can either be skipped with date agreed for continuation or discontinued until the following season.
- Representatives may be appointed by either the commissioner or watermaster to attend said meeting.
- For the purpose of regulation the average daily flow shall mean the average of the 7:00 am and the 7:00 pm flow rate of the same day.
- Once the average daily flow as determined above meet the criteria as dictated in the 1937 Johnson Decree; changes to the headgates in Utah by the commissioner and changes to headgates in Idaho shall be made within 12 hours.


-If disputes develop between the commissioner and the watermaster then the respective state agencies will be immediately informed. Once informed the agencies shall confer within a reasonable time and give further direction to the watermaster and commissioner.

Please review this draft protocol and provide comment at your earliest opportunity so that guidelines may be in place this season. If you have another approach we will be willing to work with you.

We may also need to help the Clear Creek waterusers out with improving their gaging station in Utah. I understand personnel from our agencies have recently met and are working on this matter.

Please let me know your thoughts.

Sincerely,

Norm Young by 

Norm Young, PE
Water Management Division Administrator

cc: Pat Brown	Bob Fotheringham	Dave Sundberg
Roger Ling	Lee Sim	Allen Merritt